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Approved March 7, 1934.
Effective March 7, 1934

COMMISSIONER OF LABOR TO PRESCRIBE RULES AND
REGULATIONS FOR WRESTLING AND BOXING.

H. B. No. 28.] CHAPTER 21.

An Act amending Sections 1, 2, 4, 5, 6, 8, 9 and 12, Chapter 241, Acts of the Regular Session, 43rd Legislature, page 843, and further amending Chapter 241, Acts Regular Session, 43rd Legislature, page 843, by adding a new section to said Act to be designated and styled as Section 17b, which new section vests and empowers the Commissioner of Labor with the power to promulgate all necessary rules and regulations for the purpose of carrying out the provisions of the Wrestling and Boxing Law and providing for fines and penalties for the violation of any rule prescribed by the Commissioner of Labor and violation of any provision of the Wrestling and Boxing Law wherein a penalty is not specifically provided, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Section 1, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 1. (a) The promoting, conducting or maintaining of fistic combat or wrestling matches, boxing or sparring contests or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, shall be lawful in Texas, except on Sunday, subject to such supervision by the Commissioner of Labor Statistics as such Commissioner possesses over theatres and employees thereof other than performers and under the further provisions hereof; provided, however, that any such contests conducted by educational institutions and/or Texas National Guard units and/or duly recognized amateur athletic organizations shall be exempt from the provisions of this Act as specified under Paragraph (b) of this section.

"Sole jurisdiction and authority is hereby vested in the Commissioner of Labor to enforce the provisions of this Act regulating the promoting, conducting or maintaining of fistic combats, wrestling matches, boxing or sparring contests or exhibitions for money remuneration, purse or prize equivalent to be received by the participants or contestants, or where an ad-

mission fee thereto or therefor is charged or received, and he is hereby given specific authority to promulgate such rules and regulations as shall become necessary in carrying out the purposes of this Act, and shall have the power of refusal of licenses or permits to boxers, wrestlers, managers, referees, match-makers, timekeepers, seconds or promoters if after investigation applicant or applicants are found to be of questionable character or not entitled to same under the provisions of this Act. The definition of the words 'boxer,' 'wrestler,' 'manager,' 'referee,' 'matchmaker,' 'timekeeper,' 'second,' 'promoter,' together with the phrases 'fistic combat,' 'wrestling match,' 'boxing contest' as used in this Act shall be accepted as defined by the National Boxing Association and the National Wrestling Association, and the rules governing ring regulations of boxing and wrestling contests or sparring contests or exhibitions, their seconds and referees shall be in accordance with those set out by the National Boxing Association and the National Wrestling Association. The definition of the phrases 'Amateur Contestant' and 'Amateur Contests' shall be that as set forth by the National Amateur Athletic Union.

"If any person, firm or corporation be dissatisfied with any order, ruling or decision of said Commissioner, such aggrieved party may within thirty (30) days from the entry of such order, ruling or decision, appeal therefrom to the District Court of Travis County, Texas, and such Court may hear and determine such appeal, in term time or vacation, by trial de novo. If the aggrieved party shall prevail by final judgment, a certified copy thereof shall be presented to the Commissioner who shall comply with the terms thereof upon the payment of all fees incurred under the terms of this Act.

"(b) It is further provided that any such contests or exhibitions between students of such institutions which are conducted by any school, college or university, which does not have for its primary or principal purpose the teaching of fistic combat, boxing or sparring, or the science of wrestling, or any such contests or exhibitions between members of such units which are conducted by any troop, battery, company or unit of the Texas National Guard shall not be subject to the fee or tax or any other provision of this Act, even though an admission fee is charged, unless the contestants shall receive money remuneration or purse or prize equivalent for their performance or services therein.

"It is further provided that a duly nationally recognized amateur athletic organization, club or association may conduct wrestling matches, fistic combats, boxing or sparring contests, tournaments or exhibitions between contestants of amateur standing under the conditions specified hereinafter, to-wit:

"1. The sanction and approval of the Commissioner of Labor Statistics shall be secured at least seven (7) days prior to date of tournament or contests, and all entries shall be filed with said amateur organization three (3) days prior to date of the tournament or contests.

"2. Such amateur organization shall have the responsibility of determining and sanctioning the amateur standing or status of each and every contestant who performs or appears in such amateur contests or tournaments.

"3. Such amateur organization shall not be required to secure a license to conduct or promote amateur contests approved by the Commissioner of Labor Statistics as herein specified, and shall not be subject to the tax provisions of this Act.

"4. No individual, partnership, company, corporation or association, except as herein provided, shall be permitted to conduct amateur contests or exhibitions to which contributions or admissions are charged or received, and no amateur organization, club, or association shall hold more than two (2) performances or tournaments in any one month. Such contests shall be subject to the supervision of the Commissioner of Labor and all profits derived from such contests be used in the development of amateur athletics.

"5. No one shall be permitted to act as referee in amateur contests except a person holding a license or permit from the Commissioner of Labor Statistics.

"6. All contestants shall be examined by a licensed physician within a reasonable time before they enter or engage in contests, and a licensed physician shall be in attendance at the ringside during the full course of the contests or tournaments.

"7. No boxer, wrestler or manager licensed under this Act shall participate in any capacity during any amateur show or exhibition and said participation shall be deemed sufficient grounds for having his professional license suspended or revoked by the Commissioner of Labor Statistics."

SEC. 2. That Section 2, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 2. The Commissioner of the Bureau of Labor Statistics shall deposit with the State Treasurer all moneys received by him from license and all other fees under the provisions of this Act, to be held in a separate fund, known as the 'Boxing and Wrestling Enforcement Fund,' and to be used to the amount herein authorized, for expenses incurred in supervising, inspecting and regulating all ring exhibitions, including fistic combats or wrestling matches, boxing or sparring contests, or exhibitions, for money remuneration, purses or prizes, printing blank license forms to be furnished applicants by the Commissioner of Labor Statistics, and the sum of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary, and the same is hereby appropriated for said purposes, and all such expenditures shall be verified by the person to whom such payments are made. Upon the approval of such expenditures by the Commissioner of Labor Statistics, it shall be the duty of the Comptroller of Public Accounts to draw his warrant on the State Treasurer for the amount of such expenditures in favor of the person claiming the same, to be paid out of the

'Boxing and Wrestling Enforcement Fund.' The unexpended balance remaining in said fund at the end of the fiscal year shall be transferred to the General Fund. The Commissioner may appoint, and at pleasure remove, a Secretary to the Commissioner, the duties of which Secretary shall be to keep, or assist the Commissioner in keeping, a full and true record of all the proceedings of the Commissioner, to keep, or assist the Commissioner in keeping, the books and records in the general offices of the Commissioner, and to perform such other duties as the Commissioner may prescribe, the salary of which Secretary shall be Fifteen Hundred Dollars (\$1500.00) per year, to be paid out of the above Fifteen Thousand Dollars (\$15,000.00) herein appropriated."

SEC. 3. That Section 4, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 4. Before any individual, firm, club, copartnership, association, company or corporation may act as a promoter of either Boxing or Wrestling as herein defined, such promoter shall file or cause to be filed with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by him a verified declaration or application, setting forth the true name, age, present actual residence and length of time thereof, place where promoter will operate, and such other information as may be required by such printed forms when furnished, and the application filed with the Commissioner of Labor shall be accompanied with a registration or license fee, for which a permit or license may be issued by said Commissioner of Labor, for the type of license applied for, such remittance to be in such form as by law provided for other remittances to such officer, and such registration fee shall be Fifty Dollars (\$50.00) for Boxing Promoters License and Fifty Dollars (\$50.00) for Wrestling Promoters License in a city not exceeding twenty-five thousand (25,000); One Hundred Dollars (\$100.00) in a city not exceeding seventy-five thousand (75,000); and Two Hundred Dollars (\$200.00) in a city over seventy-five thousand (75,000) or more inhabitants, and any person or group of persons acting as such promoter without so registering and remitting such license fee, and having in their possession a duly authorized permit, shall be deemed guilty of felony swindling and shall be punished accordingly."

SEC. 4. That Section 5, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 5. Before any individual, firm, club, copartnership, association, company or corporation may conduct, hold or give any fistic combat, match, boxing, sparring or wrestling contest or exhibition, such promoter shall execute and file with the Commissioner of Labor a good and sufficient surety bond in the sum of One Thousand Dollars (\$1,000.00), subject to the approval of the Commissioner and conditioned for the payment of the tax hereby imposed, said bond to be in form and kind

required of an administrator of an estate in Texas, and the Attorney General in a Court of competent jurisdiction in Travis County, Texas, or any other Court having jurisdiction, may institute suit upon such bond to recover any delinquent tax and the cost incurred in ascertaining the amount and recovery of such tax; provided, if such promoter conducts such contests or exhibitions as a continuing enterprise or promotion, such bond shall be annual in effect and continue in force until the last day of the fiscal year in which same is filed and approved and shall run concurrent with the time for which license is issued, unless default be made by the principal thereof or the sureties thereon become insufficient in the judgment of the Commissioner of Labor."

SEC. 5. That Section 6, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 6. Each individual, firm, club, copartnership, association, company or corporation which conducts any fistic combat, boxing, sparring or wrestling match, contest or exhibition wherein the contestants or participants receive a money remuneration, purse, or prize equivalent for their performance or services in same, and/or where an admission fee is charged or received, shall furnish to the Commissioner of Labor Statistics at Austin, Texas, within forty-eight (48) hours after the termination of such match, contest or exhibition, a duly verified report thereof showing the number of tickets sold, the various prices received therefor, and the amount of gross receipts for the total number of tickets sold therefor, and at the same time shall attach to the Commissioner of Labor's report legal tender or make proper form of money order or exchange payable to the State Treasurer in the amount of tax for three per centum (3%) of the total gross receipts from the sale of tickets of admission to such contest, which tax shall be deposited to the credit of the 'Boxing and Wrestling Enforcement Fund.' No other fee or tax either general or local, than as herein provided, shall be assessed against or levied upon any such match, contest or exhibition, contestant or manager, or promoter thereof."

SEC. 6. That Section 8, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 8. Before any person may perform or act or boxer, wrestler or manager of such boxer or wrestler, or matchmaker for a promoter of boxing and wrestling contests or exhibitions, where such boxer, wrestler, manager or matchmaker performs or renders service for money remuneration, purse or prize equivalent, or may appear or perform without remuneration in contests with or on the same card with licensed contestants, such person shall file with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by him a verified declaration or application, setting forth the true name, age, present actual residence and length of time thereof, place where and party with whom filed if other than with the Commissioner

of Labor at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms, and the application shall be accompanied with a license fee, such remittance to be in such form as by law provided for other remittances to such offer, and such license fee shall be Five Dollars (\$5.00) for each boxer or wrestler and Fifteen Dollars (\$15.00) for each manager of a boxer or wrestler, and Fifteen Dollars (\$15.00) for each matchmaker for a promoter of Boxing and Wrestling or otherwise for a boxer or wrestler. And it is further provided that each manager shall file with the Commissioner of Labor a copy of each and every contract entered into with a boxer or wrestler, and any person acting or performing without so registering and remitting such license fee shall be deemed guilty of misdemeanor swindling and shall be punished accordingly.

"It is further provided that before any person may perform or act as second to a boxer or wrestler, or timekeeper at a boxing or wrestling contest, or referee of boxing and wrestling contests or exhibitions, such person shall file with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by said Commissioner, a verified declaration or application, setting forth the true name, age, present actual residence and length of time thereof, place where and party with whom filed if other than with the Commissioner of Labor at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms, and the application shall be accompanied with a license fee, such remittance to be in such form as by law provided for other remittances to such officer, and such license fee shall be Ten Dollars (\$10.00) for such referee, and Two Dollars and Fifty Cents (\$2.50) for each second and each timekeeper, and any person so acting or performing without so registering and remitting such license fee shall be deemed guilty of misdemeanor swindling and shall be punished accordingly."

SEC. 7. That Section 9, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 9. All license fees herein provided shall be effective for one year after the date received or fixed as that of the first performance by the Commissioner of Labor Statistics, and a receipt for the license fee paid shall be evidence of the payment of same until said license is issued by the Commissioner of Labor Statistics; provided that any duly registered promoter may accept the application and license fee for such boxer, wrestler, manager, matchmaker, timekeeper, second or referee and issue his receipt therefor, and any duly registered promoter shall secure from such boxer, wrestler, manager, referee, matchmaker, timekeeper or second, who has not complied with Section 8 of this Act, said registration or application and fee, and issue his receipt for the fee so collected, before permitting such boxer, wrestler, manager, referee, matchmaker, timekeeper or second to perform, act or appear in contests staged by

said promoter, which receipt shall be sufficient until such time as the Commissioner of Labor Statistics may issue such license, such promoter to be liable under the bond herein provided for the remittance of all application fees so collected, and failure to remit the same to the Commissioner of Labor Statistics within ten (10) days after the receipt thereof shall cause him to be deemed guilty of theft thereof and punished accordingly."

SEC. 8. That Section 12, Chapter 241, Acts of the Regular Session of the 43rd Legislature, page 843, is hereby amended so as to hereafter read as follows:

"Section 12. The Commissioner of Labor or any Deputy Commissioner of Labor Statistics may be present at any boxing or wrestling show or exhibition and may inspect any and all forms or documents to be executed as prescribed by this Act, and may assist in the counting of the gross receipts and the preparing of the report thereon as herein provided, and the original copy of such report together with physician's examination report shall be delivered or mailed to the General Office of the Commissioner of Labor, at Austin, Texas, by the Promoter."

SEC. 9. Chapter 241, Acts of the Regular Session of the 43rd Legislature, is hereby amended by adding a new section thereto, which shall be described and styled as Section 17-b:

"Section 17-b. The Commissioner of Labor is hereby empowered and it is hereby made his duty to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Law. Any such rules and regulations, however, which may be promulgated by the Commissioner of Labor before it shall become effective must be printed and filed as a public record in the office of the Commissioner of Labor, a copy of which shall be furnished by the Commissioner of Labor to any person applying therefor. The Commissioner of Labor is also vested and has the power and authority to revoke or suspend the license or permit of any boxer, wrestler, manager, referee, matchmaker, timekeeper, second or promoter for violation of any rule or regulation which may be promulgated by the Commissioner of Labor or for the violation of any provision of this Law wherein the penalty is not specifically provided. Said Commissioner of Labor is also to have the power and authority to forfeit the purse of any boxer, wrestler, manager or referee not to exceed Five Hundred Dollars (\$500.00) for the violation of any rule or regulation promulgated by the Commissioner of Labor or any provision of this Law wherein the penalty is not specifically provided, said moneys to be deposited to the credit of the 'Boxing and Wrestling Enforcement Fund.' Any person who may be affected by any penalty imposed by the Commissioner of Labor, or is dissatisfied with the same, shall have the right to appeal to any District Court of Travis County, Texas; the trial shall be de novo and the procedure the same as other civil cases and upon such trial the Court shall have the same power as the

Commissioner to impose the penalties herein provided for the violation of any reasonable rule of the Commissioner or any provision of this Act wherein a penalty is not specifically provided."

SEC. 10. The fact that the Boxing and Wrestling Law is wholly inadequate to regulate and control boxing and wrestling in the State of Texas creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three separate days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 28 passed the House, February 21, 1934, by a viva voce vote; passed the Senate, February 26, 1934, by a viva voce vote.]

Approved March 7, 1934.

Effective 90 days after adjournment.

GRANTING MRS. OLA ANDERSON AND OREN ANDERSON PERMISSION TO BRING SUIT AGAINST THE STATE OF TEXAS.

H. B. No. 34.]

CHAPTER 22.

An Act granting permission to Mrs. Ola Anderson and Oren Anderson, surviving wife and son of Henry A. Anderson, deceased, to bring suit against the State of Texas in the District Court of Travis County, Texas, for damages for personal injuries resulting in death received by the said Henry A. Anderson while on duty as a laborer in the employ of the North Texas State Teachers' College at Denton, Texas; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Ola M. Anderson and Oren Anderson, surviving wife and son of Henry A. Anderson, deceased, be and they are hereby granted permission to sue the State of Texas for damages for personal injuries resulting in death received by the said Henry A. Anderson while on duty as a laborer in the employ of the North Texas State Teachers' College at Denton, Texas, on or about January 26, 1931.

SEC. 2. That such suit may be filed in the District Court of Travis County, Texas, at any time within two (2) years from the date this Act takes effect.

SEC. 3. That such suit upon said cause of action shall be tried and determined in the trial and appellate Courts according to the same rules of law and procedure as to liability and